

## CHAPTER 6: RAILS TO TRAILS PROGRAM

The rail line abandonment process, Rails to Trails Program, concerns and issues associated with rail trail development, and legislation governing the abandonment process and rail trail development are all part of Kentucky's rail trail system.

### I. INTRODUCTION

Rail trails are public paths that have been created along inactive railroad corridors. These paths are used for activities that may include walking, bicycling, equestrian, and wheelchair use. Currently there are more than 11,000 miles of rail trails in the United States, with more projects being planned. Rail trails, in most cases, are constructed along the rights-of-way of rail lines that have been abandoned. An abandoned rail line is one on which rail service has been discontinued and the Surface Transportation Board has approved the abandonment. In the case of abandoned rail lines, usually the corridor is purchased by a local, state, or other government agency that then creates a trail along the corridor. However, in some cases, volunteer groups formed by citizens construct the trail. Another type of rail trail is "rails-with-trails," a recent development that allows the rail trail to exist alongside active rail corridors. Rail banking is another method of preserving rail right-of-way for the potential future use by the railroad. Instead of abandoning the line, a rail trail may exist on the right-of-way for interim use.

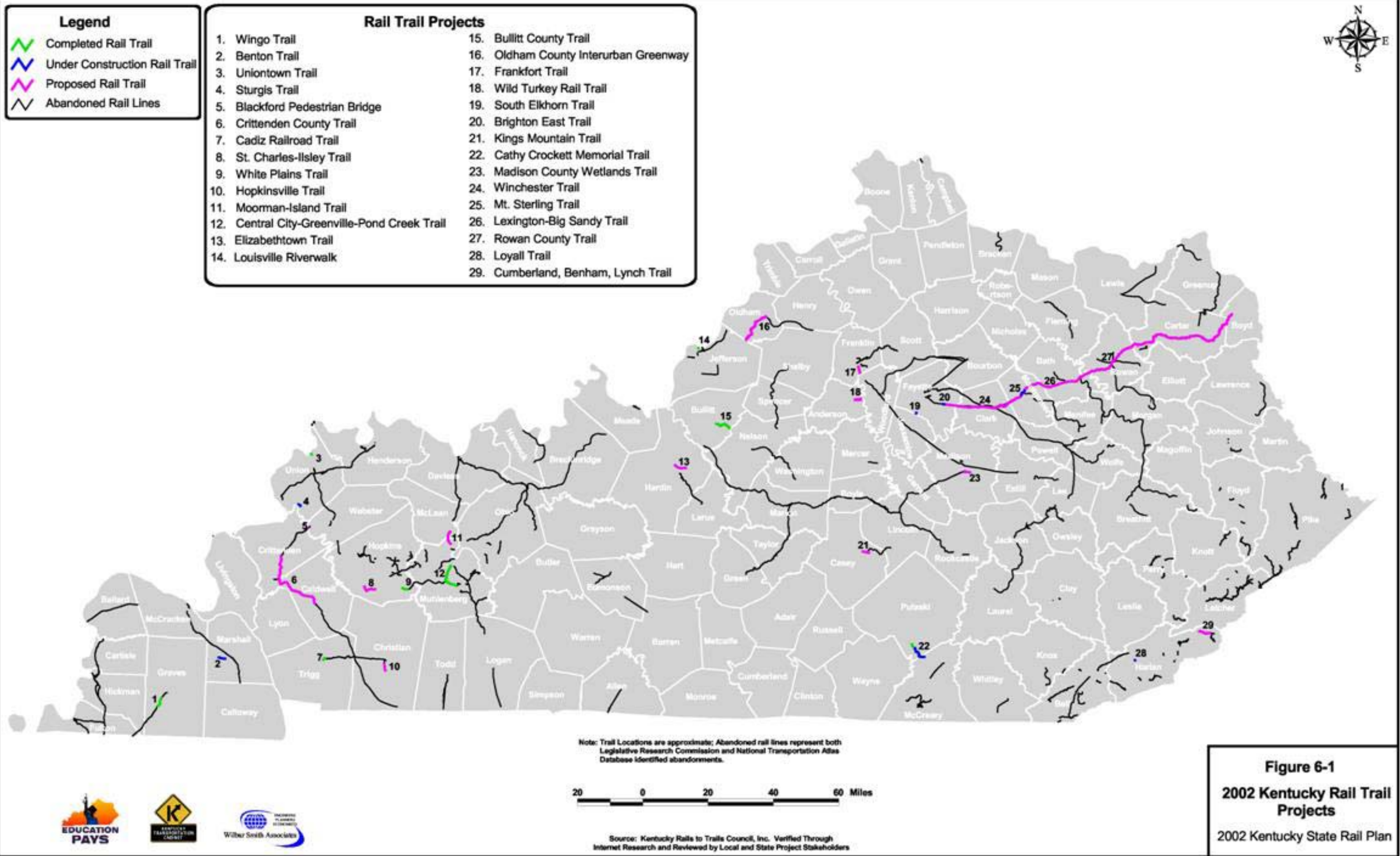


### II. PROGRAM DESCRIPTION

The mid-1970s was a period of economic hardship for America's railroads. In 1980, Congress sought to alleviate this hardship by passing the Staggers Act, which allowed the deregulation of railroads. A result of the Staggers Act was an increased number of rail line abandonments, and growth of the rails to trails movement.

As the number of abandoned rail mileage increased, the rails to trails movement gained momentum. In 1983, Congress passed the National Trails System Act. This set of amendments made it possible for governments and interested parties to preserve abandoned rail corridors to be converted into trailways and linear parks at a later date. These parks could be established with the understanding that, if in the future a railroad wished to reestablish an active railway within a corridor, they were permitted to buy back the land at fair market value and reestablish service.

Kentucky has 16 miles of existing rail trails, ranking the state among the lowest nationally. Minnesota, Wisconsin, and Michigan currently have the most mileage nationally with 1,301, 1,294, and 1,176 miles, respectively. There are, however, 160 additional miles of rail trails at some stage of planning or development within Kentucky. However, even with full build out of all proposed trails, Kentucky still would not rank in the top 15 states in terms of mileage and this is assuming other states' figures were held constant. The location of each of these trails can be seen in **Figure 6-1**, and a description follows of the existing and proposed rail trail projects, where available. The trail number as it corresponds to **Figure 6-1** and the county or counties in which the trail is located is in the text.



**A. Wingo Trail (#1, Graves County)**

The Wingo Trail in Graves County, located in the community of Wingo, lies in western Kentucky. The length of this trail is 2.5 miles and is built on an Illinois Central abandonment. The project has a potential length of 18 miles and would connect Wingo, Mayfield, and Fulton.

**B. Benton Trail (#2, Marshall County)**

This rail trail, which is currently under construction and is expected to be completed in 2003, is located in western Kentucky in Benton. The rail trail will be along an area of the Clarks River, and it is to be 1.5 miles in length. It is being funded entirely by a Recreational Trails Program grant and right-of-way for the project was purchased as a National Wildlife Refuge.

**C. Uniontown Trail (#3, Union County)**

The Uniontown Rail Corridor Trail is an existing 1,825-foot long asphalt trail that lies in northern Union County in western Kentucky. It is used for walking, jogging, rollerblading, skateboarding, in-line scooters, and bicycling. This trail was funded as part of the Recreational Trails Program in addition to the Transportation Enhancements Program.

**D. Sturgis Trail (#4, Union County)**

This rail trail, which is currently under construction, is located in southern Union County in the community of Sturgis. It will be 1.5 miles in length when completed.

**E. Blackford Pedestrian Bridge (#5, Crittenden and Webster Counties)**

This proposed short rail trail will utilize an abandoned railroad bridge across the Tradewater River in Blackford providing pedestrian access for both sides. The Tradewater River separates Crittenden and Webster Counties in western Kentucky. The project is being funded through the Transportation Enhancements Program.

**F. Crittenden County Trail (#6, Crittenden County)**

The proposed Crittenden County Trail Project is located between Marion and Princeton, Kentucky. The fiscal court in Crittenden County is seeking to purchase the right-of-way owned by the Western Kentucky Railway. The proposed length for the rail trail is 21 miles.

**G. Cadiz Railroad Trail (#7, Trigg County)**

The Cadiz Railroad Trail, located in downtown Cadiz, is 1.5 miles long. The surface is asphalt, and it is used for hiking, jogging, bicycling, rollerblading, and skateboarding. This rail trail is the site of the former Cadiz Railroad that connected with the Illinois Central and Louisville & Nashville Railroads. The trail was dedicated in 1989, making it the first rail trail in Kentucky.

**H. St. Charles-Ilseley Trail (#8, Hopkins County)**

This proposed rail trail would connect St. Charles and Ilseley in Hopkins County. Project specifics are uncertain at this early stage of development.

**I. White Plains Trail (#9, Hopkins County)**

This eight-foot-wide paved rail trail is located in White Plains, which lies in southeastern Hopkins County. The length of the trail is 1.5 miles.

**J. Hopkinsville Trail (#10, Christian County)**

This proposed four-mile-long trail in Christian County is located in Hopkinsville. It is part of a recent rail relocation project undertaken by the United States Government.

**K. Moorman-Island Trail (#11, McLean and Muhlenberg Counties)**

This rail trail project, in both McLean and Muhlenberg County, would include the communities of Moorman and Island. Its endpoints are the south shore of the Green River and Moorman. The length of this proposed trail is seven miles and the property is currently owned by CSXT.

**L. Central City-Greenville-Pond Creek Trail (#12, Muhlenberg County)**

This rail trail is located on right-of-way owned previously by the Paducah and Louisville Railroad. It is known as the Central City to Greenville to Pond Creek Trail, with end points in Central City and Greenville. The total length of this rail trail is six miles, although the Muhlenberg County Rails to Trails Committee has rail-banked an additional three miles from CSXT.

**M. Elizabethtown Trail (#13, Hardin County)**

The Elizabethtown Trail project in central Hardin County is located in Elizabethtown and is three miles long. This trail is to be built on a railbed abandoned approximately twenty years ago. The railbed is currently privately owned, partially by an individual and partially by an industry.

**N. Louisville Riverwalk (#14, Jefferson County)**

The Louisville Riverwalk is located in Louisville predominantly along the Ohio River. Its endpoints are the Belvedere River Walk and Chickasaw Park, giving the trail a length of seven miles. The surface is paved asphalt. Only a portion of this total project is considered a rail trail and only this portion is indicated on **Figure 6-1**.

**O. Bullitt County Trail (#15, Bullitt County)**

The Bullitt County Trail in southeastern Bullitt County is a rails-with-trails project that parallels the track over which the Kentucky Dinner Train operates along Highway 245. Its endpoints are the Bernheim Forest and Highway 1064 at Lotus. The surface of this rail trail is crushed stone.

**P. Oldham County Interurban Greenway (#16, Oldham County)**

The proposed Oldham County Interurban Greenway is located along KY 146 running 13 miles from LaGrange through Buckner and Crestwood to Peewee Valley. It is located in the right-of-way of the rail line that once connected Louisville and Oldham County. It has received funding through TEA-21.

**Q. Frankfort Trail (#17, Franklin County)**

The Frankfort Trail Project is to be four miles long within Frankfort, two miles of which the Pinsly Railroad Company has an interest in and two miles that are privately owned. The landowner wishes to sell his section of the land for the proposed trail. Support for the project would be through the Capital Heritage Trail Foundation which local citizens propose to reactivate; however, this reactivation process is currently stalled.

**R. Wild Turkey Rail Trail (#18, Anderson County)**

The Wild Turkey Rail Trail is proposed to be located in eastern Anderson County. The location of this project is in Tyrone, near the Kentucky River and US 127, and it will run from the Wild Turkey Distillery to Lawrenceburg for a total distance of 2.8 miles. The Rails to Trail Conservancy and the Kentucky Rails to Trails Council, as well as the Bluegrass Railroad Museum, are working with Norfolk Southern to railbank the right-of-way. The surface of this trail is to be crushed stone.

**S. South Elkhorn Trail (#19, Fayette County)**

The South Elkhorn Bikeway Project, which is under construction, has its endpoints at Waveland Historic Site parking area and the intersection at Grassy Creek Road, for a length of 1.3 miles. This rail with trail project will parallel an existing Norfolk Southern line.

**T. Brighton East Trail (#20, Fayette County)**

The location of the Brighton East Rail Trail, a project that is currently in progress, is the east side of Fayette County. It is approximately two miles long with its beginning at the intersection of Man O' War Boulevard and Bryant Lane and its end at Walnut Hill-Chilesburg Road. The surface is being constructed as twelve-foot wide asphalt pavement and the intended use of the trail is non-motorized traffic. This project is partially funded by Transportation Enhancements funds.

**U. Kings Mountain Trail (#21, Casey County)**

This proposed project, known as the Kings Mountain Trail, is located in Yosemite, on KY 70 East. The mileage has not been determined, but the proposed endpoint is at Kings Mountain. The rail trail will have a dirt surface to be used for hiking, biking, and horseback riding.

**V. Cathy Crockett Memorial Trail (#22, McCreary and Pulaski Counties)**

The Cathy Crockett Memorial Trail begins in Sloans Valley and ends in McCreary County in southern Kentucky. The completed section is two miles long; while the remainder is under construction. When completed, the trail will be 7.5 miles long. The surface of this trail is predominantly gravel, most of which is remnants of the old Cincinnati-Southern railbed. It is to be used for walking, running, and bicycling. The project was funded by a TCSP Grant.

**W. Madison County Wetlands Trail (#23, Madison County)**

The proposed 0.5-mile-long Madison County Wetlands Trail Project is located in Richmond in central Madison County. The rail bed, which is owned by the city of Richmond, runs adjacent to a wetland area.

**X. Winchester Trail (#24, Clark County)**

The site of this rail trail project is within the City of Winchester. The trail is under construction and when completed will be two miles long with an asphalt surface, and it will be constructed as part of the Lexington Big Sandy Rail Trail, which is described further below.

**Y. Mt. Sterling Trail (#25, Montgomery County)**

This three-mile-long rail trail in Mt. Sterling in central Montgomery County is also to be part of the Lexington Big Sandy Rail Trail. It is currently under construction.

**Z. Lexington Big Sandy Trail (#26, Fayette, Clark, Montgomery, Bath, Rowan, Carter, and Boyd Counties)**

This 109-mile project spans Fayette, Clark, Montgomery, Bath, Rowan, Carter, and Boyd Counties. Its endpoints are Lexington and Coalton (outside Ashland). 30 miles of this trail are owned in fee by CSXT; the remainder may be in private ownership. This project is being funded by grants from TEA-21. The development of this trail is being aided by the Bluegrass Rails to Trails Foundation, a non-profit organization whose mission is to develop the portion of the trail that is located in Fayette, Clark, and Montgomery Counties. As noted above, this trail is being developed in segments, some already in construction.

**AA. Rowan County Trail (#27, Rowan County)**

This proposed rail trail in Rowan County—the Rowan County Trail—is to run from KY 32 to Cave Run Lake.

**BB. Loyall Trail (#28, Harlan County)**

The Loyall Trail in southern Kentucky is located in the community of Loyall. This 0.75-mile project is considered to be under construction having already been funded.

**CC. Cumberland, Benham, Lynch Trail (#29, Harlan County)**

This proposed trail in eastern Harlan County would serve the Cities of Cumberland, Benham, and Lynch. The City of Benham is taking the lead on the project, trying to acquire right-of-way to a 3.2-mile CSXT abandoned line segment through their town.

**III. RAILS TO TRAILS ORGANIZATIONS**

Currently, there are several key rail trail organizations assisting in the development, funding and promotion of rail trails in Kentucky. These are described below.



**A. Kentucky Rails to Trails Council, Inc.**

The mission of the Kentucky Rails to Trails Council is to enhance the quality of life in communities by developing a statewide rail trail program. Formed in 1994, this not-for-profit corporation is fully staffed by volunteers. The Council works with local organizations to develop trails and greenways, and seeks to increase public awareness of the benefits of rail trails. The Kentucky Rails to Trails Council is also a source of information on project funding, design, and management. It maintains a website at [www.KyRailTrail.org](http://www.KyRailTrail.org). The Council is a Trail Partner of the Rails-To-Trails Conservancy, described below.

**B. Rails-To-Trails Conservancy**

The mission of the Rails-To-Trails Conservancy, which was founded in 1986, is to enrich America's communities and countryside by creating a nationwide network of public trails from former rail lines and connecting corridors. Its headquarters are in Washington, D.C., and there are six field offices, located in California, Florida, Ohio, Michigan, Pennsylvania, and New England. The Rails-To-Trails Conservancy is the largest trails organization in the country, and it connects people and communities with the help of citizen groups, public agencies, railroad companies, and other organizations. The Conservancy also provides direct assistance for rail trail and greenway projects. Its web address is [www.railtrails.org](http://www.railtrails.org).

**C. Railtrail Development Office, Department for Local Government**

This office was established within the Department for Local Government by the 2000 Kentucky General Assembly. The office has a list of responsibilities that work solely to further the creation of rail trails, and to make the Rails to Trails process more efficient. One of the office's purposes is to continue and further the work of the Legislative Research Commission (LRC) by completing an inventory of all abandoned rail corridors in the state, and to assess these corridors' potential for trail usage. This work is being completed by the University of Kentucky Transportation Center and is described in further detail later in this chapter. The Railtrail Development Office will also monitor new abandonment proceedings on a continuing basis and make such information available to local governments and other interested parties. Along with collecting and updating data, this office acts as a central point of rail trail coordination and offers technical assistance to parties involved in trail development. The web address for the Department for Local Government is [www.kylocalgov.com](http://www.kylocalgov.com).

**D. Kentucky Transportation Cabinet**

The Kentucky Transportation Cabinet serves as a crucial link in trail development. The Cabinet maintains records of all abandoned lines in the state, and is responsible for notifying the Kentucky Department of Parks of abandonments so that the corridors can be evaluated for potential inclusion in Kentucky's trails system. The Cabinet also administers the federal Transportation Enhancements Program under the Transportation Efficiency Act for the 21<sup>st</sup> Century. While the state itself does not provide funding for trails, it

does secure federal funds and is authorized and encouraged to spend a portion of these funds on bicycle and pedestrian facilities. Railway and canal trails, as well as other pathway and greenway projects are eligible for such funding.

**E. Kentucky Department of Parks**

The Department of Parks (<http://www.state.ky.us/agencies/parks/parkhome.htm>) identifies abandoned railroad corridors for the possible inclusion into its trails systems. However, due to its lack of funds and manpower, the department has thus far been unable to include rail trails in the Kentucky trail system.

**F. Kentucky Heritage Council**

Like the KYTC, the Kentucky Heritage Council is notified of abandoned rail lines within the state. This council is responsible for identifying structures of historic significance along potential trailways. For information, the Kentucky Heritage Council website is <http://www.state.ky.us/agencies/khc/khchome.htm>.

**G. Kentucky Bicycle and Bikeways Commission (KBBC)**

The KBBC advocates bicycling as a legitimate part of the statewide transportation system. This commission is an extension of the Kentucky Transportation Cabinet, which it advises on cycling related issues as they relate to transportation improvement projects and programs. The KBBC offers knowledge in design, planning, and promotion to assist in furthering the state's rail trail efforts.

**IV. NEIGHBORING STATE PROGRAMS**

Both Ohio and West Virginia have well-established rails to trails programs. Each state has been actively fostering rail trail growth for over ten years, with successful results. Each state has a relatively large amount of established trails, with an even greater number in various stages of development.

Ohio's rails to trails movement is aided by the Rails-To-Trails Conservancy field office located in Ohio which was established in 1989. The director of the Ohio field office works with the Ohio Department of Transportation, the Ohio Department of Natural Resources, the Ohio Department of Tourism and Economic Development, metropolitan planning organizations, county commissioners, and city parks and recreation departments, as well as other public organizations to coordinate the planning, construction, and maintenance of rail trail projects. Currently, Ohio has 51 open trails encompassing over 600 miles and there are 135 trail projects proposed that will comprise another 1600 miles of trails.

West Virginia's Rails-to-Trails Council, founded in 1991, is a part of the Tourism and Parks Department. This non-profit charity provides technical expertise in the areas of acquisition, design, development, signage and funding sources, as well as public education. Currently there are 345 miles of rail trails in West Virginia.

**V. RAILS TO TRAILS PROS AND CONS**

Proponents of the rail trails movement cite several positive impacts including the creation of additional recreational opportunities to foster healthy lifestyles and promote





physical fitness; preservation of natural habitat, open spaces, and cultural/historic areas; and accommodation of alternative transportation modes such as bicycle and pedestrian. Where rail lines have been abandoned, conversion to trails reclaims deserted land and occasionally provides the impetus to clean up neglected pockets of land that have become illegal dumping sites. In some communities, the proximity of converted trails has been associated with increased property values. The growing movement of rails-with-trails (523 miles in 2000) offers the added benefit of maintaining the rail mode within the corridor. One such trail in Folsom, California, is expected to include commuter light rail, trail, and a road within the same corridor.

Rail banking provides both positive and negative impacts. If the rail line is abandoned, the railroad forfeits all rights to the property, while rail banking provides a method for preserving rail right-of-way for future use by the operating railroad. The drawback to rail banking relates to the difficulty in achieving public support for the reclamation of the rail corridor. Because of many of the benefits noted above, the rail trail users would likely not support the elimination of the trail. Although having rights to the land, the railroad could risk negative publicity in reclaiming the corridor.

The most common negative aspect of rail trails is voiced by adjacent landowners who view the presence of trail users as a nuisance or even a security risk. Such concerns, whether real or perceived, arise from the loss of privacy as rail corridors become popular with pedestrians, bicyclists, and others. Text from House Bill 221, passed during the 2000 Kentucky General Assembly addresses some of these concerns by identifying rules of trespass in regards to trail users. The most applicable text states that private properties abutting the trail use are presumed private and if uninvited users access such, they commit trespass. The full version of House Bill 221 can be seen in **Appendix G**.

Safety is a special concern in regard to rails-with-trails; however, some have noted that one is much safer walking or biking on well-designed rails-with-trails carrying 10 to 20 trains per day than traveling “within a few feet from a road carrying between 10,000 and 40,000 vehicles per day.”<sup>1</sup> In this same study, only five (5) of the sixty-one railroads studied were opposed to the trails initially. Opposition was due to concern about safety and/or liability. Although concerns exist on the part of the railroads, these can often times be addressed through increased safety measures such as provisions for fencing and crossings and additional liability insurance provided by state or local government.

There are specific challenges in the conversion of rails to trails. These are addressed fully in “A Study on the Feasibility, Benefits, and Implementation of a Strategy for the Rails to Trails Program throughout the Commonwealth.”<sup>2</sup> First is the issue of corridor ownership. Railroads may hold absolute title to a corridor, or they may lease the land

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<sup>1</sup> Rails-To-Trails Conservancy. *Rails-with-Trails: Design, Management and Operating Characteristics of 61 Trails Along Active Railroads*, November 2000.

<sup>2</sup> Special Task Force on Feasibility of Rails to Trails (pursuant to 1998 House Concurrent Resolution 77). in *A Study on the Feasibility, Benefits, and Implementation of a Strategy for the Rails to Trails Program throughout the Commonwealth*, August 31, 1999.

under the tracks from other property owners. In the case of railroad ownership, a trail entity may purchase the land from the railroad, or the corridor may be rail banked. Where corridors have been purchased as easements that have been extinguished, the trail entity must deal with individual landowners.

Another challenge is that of the costs incurred in converting a rail corridor to a trail. These costs vary and may be considerable. They include the initial cost to acquire the corridor, costs to develop the corridor as a trail, and ongoing maintenance costs. Some landowners (railroad companies or others) have donated corridors for trail use. Volunteer organizations often are able to mobilize labor and acquire materials and equipment to offset development and maintenance costs. Several funding sources are available and will be discussed later in this chapter.

The third challenge is that of liability. Landowners are responsible to provide safe conditions for users. Where owners make land available for public recreational use without fees, they are afforded protection under Kentucky's recreational use statute. Governmental ownership of trails is common. Federal and state government may set aside their sovereign immunity to allow some recovery in claims arising from trails, although they are also protected by the recreational use statute noted above. Liability and insurance are particularly important issues in regard to rails-with-trails. Railroads increasingly require indemnification by trail managers to minimize their exposure to liability. House Bill 221 amended the KRS to further limit trail owners liability toward users in an effort to further encourage owners of land to make it available for recreational use.

## **VI. ABANDONMENT**

The Interstate Commerce Commission Termination Act of 1995 transferred the ICC's railroad regulatory function to the Surface Transportation Board. One of those functions is rail line abandonment. State-based responsibilities regarding abandonment are discussed under "State and Federal Legislation."

If a railroad wishes to file an abandonment application, it is first reflected on the carrier's system diagram map. Sixty days before an abandonment application can be filed, the carrier must identify any line for which it expects to file an application within the next three years and any line for which abandonment may be considered. Within one to three weeks before the application is filed, the railroad must file a "Notice of Intent" to abandon. After the application has been filed, anyone wishing to protest the abandonment has 45 days to submit protests to the STB. After this 45-day period, the STB will set the proceeding for an oral hearing or modified procedure. When conducting modified procedure, all evidence is filed in writing, with no oral hearing held. The STB must then issue its decision within 110 days of the filing of the abandonment application. If a party is dissatisfied with this decision, it may seek judicial review by filing a petition for review in the applicable United States Court of Appeals.

### **A. Issues on Abandonment**

In order to decide whether or not a rail line is to be abandoned, the Surface Transportation Board must determine if the railroad's burden of continued service outweighs the current and future need for the service.

The railroad's burden may be expressed by either an operating loss and/or the opportunity costs of owning the line. Opportunity costs are the costs of "tying up the railroad's assets in track, land, and materials on the line, rather than putting those assets to other, more profitable uses." The railroad must show that it is not receiving and will not receive adequate revenues from the line considering its operating costs, or that it expects to incur significant unrecoverable costs due to rehabilitation or repair needs. Evidence of public need is considered and the economic impact of abandonment is investigated. Also considered is the impact of the abandonment on the environment.

There are two main exceptions to the abandonment process. The first of these is the class exemption for out-of-service lines. These are lines that have not moved local traffic for a period of at least two years; can reroute any overhead traffic over other lines; and, have not incurred any formal complaints regarding a lack of service decided in favor of the shipper. In this case, no Notice of Intent to abandon is needed, and an exemption notice is filed with the Surface Transportation Board instead. The second exception is the individual exemption. Again, a Notice of Intent to abandon is not required.

## **B. Kentucky Abandonment Study**

Pursuant to 1998 House Concurrent Resolution 77, *A Study on the Feasibility, Benefits, and Implementation of a Strategy for a Rails to Trails Program throughout the Commonwealth* was completed. Much of this study centers on abandoned rail lines and their use as recreational and travel trails.

In the beginning of this study, the Legislative Research Commission realized that, at that time, there were no comprehensive maps of existing railroad lines or an accurate list of railroads. Furthermore, there was neither an accurate listing nor map of previous abandonments within the Commonwealth of Kentucky. The map of abandonments used by the Department of Transportation was acknowledged to be inaccurate. Therefore, the Geographic Information Systems (GIS) Office of LRC was asked to research these subjects and create appropriate maps.

The map of existing rail lines was compiled using data from the Tiger Line Files of the U.S. Census Bureau. Tiger Line Files are a GIS-based transportation network database and include a comprehensive national railroad system. These data, which were the most current that could be produced, were compiled in 1995. This information was compared with that from the maps of the Transportation Cabinet and the CSX Transportation System Map.

Numerous sources were utilized to compile abandonment information. For abandonments taking place before 1967, the book *Ghost Railroads of Kentucky*<sup>3</sup> was consulted. The textual information from this source was verified, although the maps were not considered accurate. To aid in the verification, the railroads, railroad historians, and the University of Kentucky and the University of Louisville, and the Kentucky State Library and Archives were consulted. For

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<sup>3</sup> Sulzer, Elmer Griffith. *Ghost Railroads of Kentucky*. 1967.

abandonments taking place after 1967, data was taken from the Surface Transportation Bureau and the Interstate Commerce Commission. Kentucky's Official Coal Haul System was used to determine the location of coal abandonments. The maps created are, therefore, only a representation of the existing and abandoned rail lines; however, these maps are considered more accurate than any maps to date. The LRC map is presented in **Figure 6-2**.

The National Transportation Atlas Database (NTAD), which is a collection of geo-spatial databases, was started in 1995 and comprises another source of mapping and identification for abandoned rail corridors. It is compiled using data from the U.S. Department of Transportation, including the Federal Highway Administration, the Federal Railroad Administration, the Federal Aviation Administration, and the Federal Transit Administration, as well as the U.S. Army Corps of Engineers, the U.S. Bureau of the Census, the National Park Service and the Bureau of Economic Analysis. The database was designed to be used with GIS software to locate transportation features such as modal networks, intermodal terminals, airports, train stations, and waterports. The NTAD map is presented in **Figure 6-3**.





Discrepancies exist between the LRC and NTAD databases which have resulted in map differences. A combination of the two may render a relatively complete portrait of known abandonment corridors.

An additional inventory and analysis of abandoned rail lines is currently being conducted by the Kentucky Transportation Center with the goal of identifying such rail corridors and assessing their suitability for conversion to trails. The completion date for this study is June 2003. One of the study tasks is verification of abandoned line locations using such methods as aerial over flights, photo analysis, and field verification via global positioning satellite (GPS) technology. The study team has noted the difficulties of accurately locating some railbeds, especially those of smaller coal and logging lines, due to poor aerial visibility during leaf-on periods, difficulty of access, and railbed deterioration with time. The researchers are expected to focus on common carriers but will document lesser corridor locations using secondary information. They will distinguish between route locations that have and have not been verified.

**Figure 6-4** represents the pilot area for the Kentucky Railbed Inventory Project. This figure displays the determined condition of the line and represents a grade scale from A to C. Condition A represents a clear path that is either paved, gravel, dirt, grass or a combination. Condition B indicates a recognizable and intact roadbed. It can be somewhat overgrown, but should be hikeable. Condition C represents a detectable roadbed, but is extremely overgrown. These routes would be nearly impassable and unrecognizable at times. As indicated in **Figure 6-4**, of the railbeds that have had condition determined, the majority within the pilot project are Condition A.



## Legend

-  Legislative Research Commission Abandonments
-  Class I, Regional, and Short Line Railroads
-  Interstate Highway
-  Parkway

## Active Rail Lines of Kentucky

### Class I Railroads

Burlington Northern Santa Fe (BNSF)  
 Canadian Pacific Railway (CP)  
 CSX Transportation (CSXT)  
 Illinois Central (IC)  
 Norfolk Southern (NS)

### Class II Railroads

Paducah and Louisville Railway (PAL)

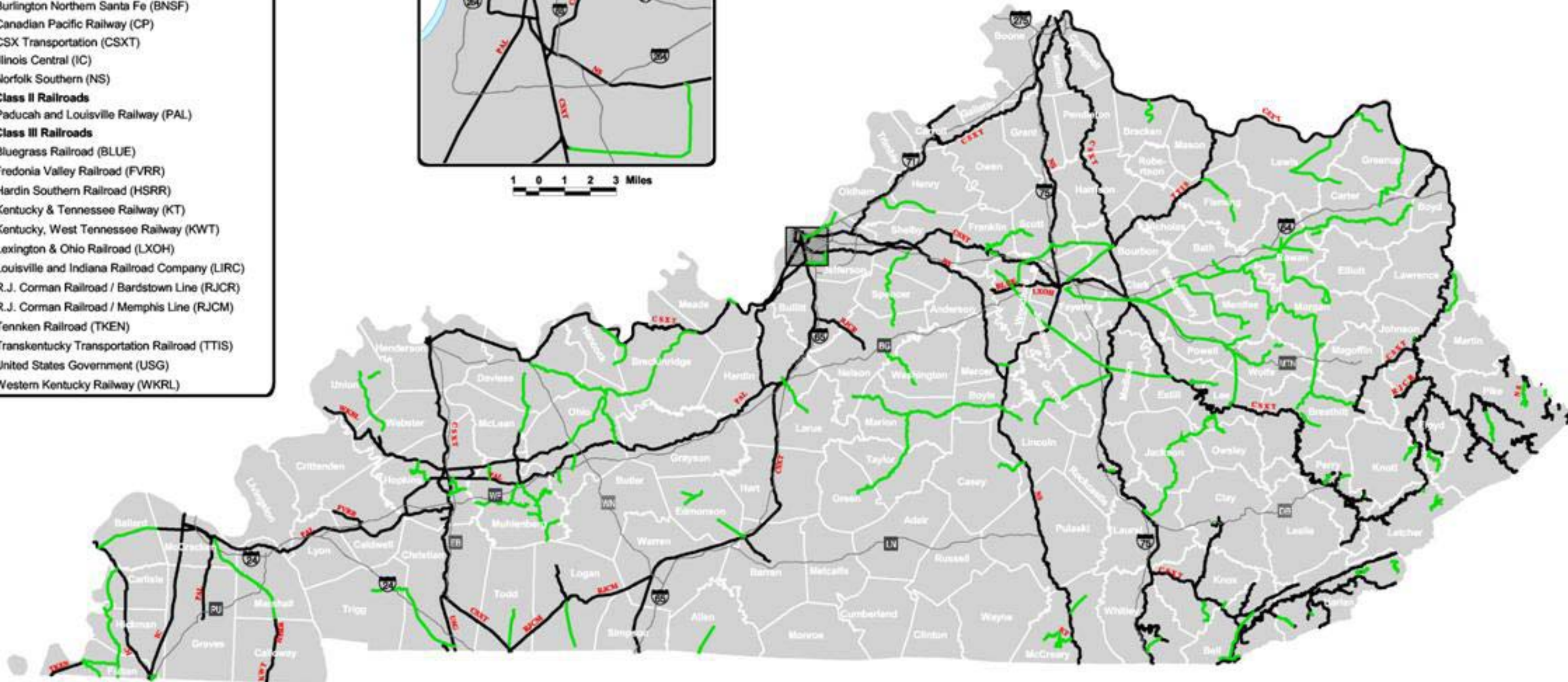
### Class III Railroads

Bluegrass Railroad (BLUE)  
 Fredonia Valley Railroad (FVRR)  
 Hardin Southern Railroad (HSRR)  
 Kentucky & Tennessee Railway (KT)  
 Kentucky, West Tennessee Railway (KWT)  
 Lexington & Ohio Railroad (LXOH)  
 Louisville and Indiana Railroad Company (LIRC)  
 R.J. Corman Railroad / Bardstown Line (RJCR)  
 R.J. Corman Railroad / Memphis Line (RJCM)  
 Tennken Railroad (TKEN)  
 Transkentucky Transportation Railroad (TTIS)  
 United States Government (USG)  
 Western Kentucky Railway (WKRL)

Louisville



1 0 1 2 3 Miles



20 0 20 40 60 Miles



Source: Legislative Research Commission Rails to Trails Project, 1999





Figure 6-2

1999 Legislative Research Commission  
 System Abandonments

2002 Kentucky Statewide Rail Plan



## Legend

-  National Transportation Atlas Abandonments
-  Class I, Regional, and Short Line Railroads
-  Interstate Highway
-  Parkway

## Active Rail Lines of Kentucky

### Class I Railroads

- Burlington Northern Santa Fe (BNSF)
- Canadian Pacific Railway (CP)
- CSX Transportation (CSXT)
- Illinois Central (IC)
- Norfolk Southern (NS)

### Class II Railroads

- Paducah and Louisville Railway (PAL)

### Class III Railroads

- Bluegrass Railroad (BLUE)
- Fredonia Valley Railroad (FVRR)
- Hardin Southern Railroad (HSRR)
- Kentucky & Tennessee Railway (KT)
- Kentucky, West Tennessee Railway (KWT)
- Lexington & Ohio Railroad (LXOH)
- Louisville and Indiana Railroad Company (LIRC)
- R.J. Corman Railroad / Bardstown Line (RJCR)
- R.J. Corman Railroad / Memphis Line (RJCM)
- Tennken Railroad (TKEN)
- Transkentucky Transportation Railroad (TTIS)
- United States Government (USG)
- Western Kentucky Railway (WKRL)

Louisville



1 0 1 2 3 Miles

20 0 20 40 60 80 Miles

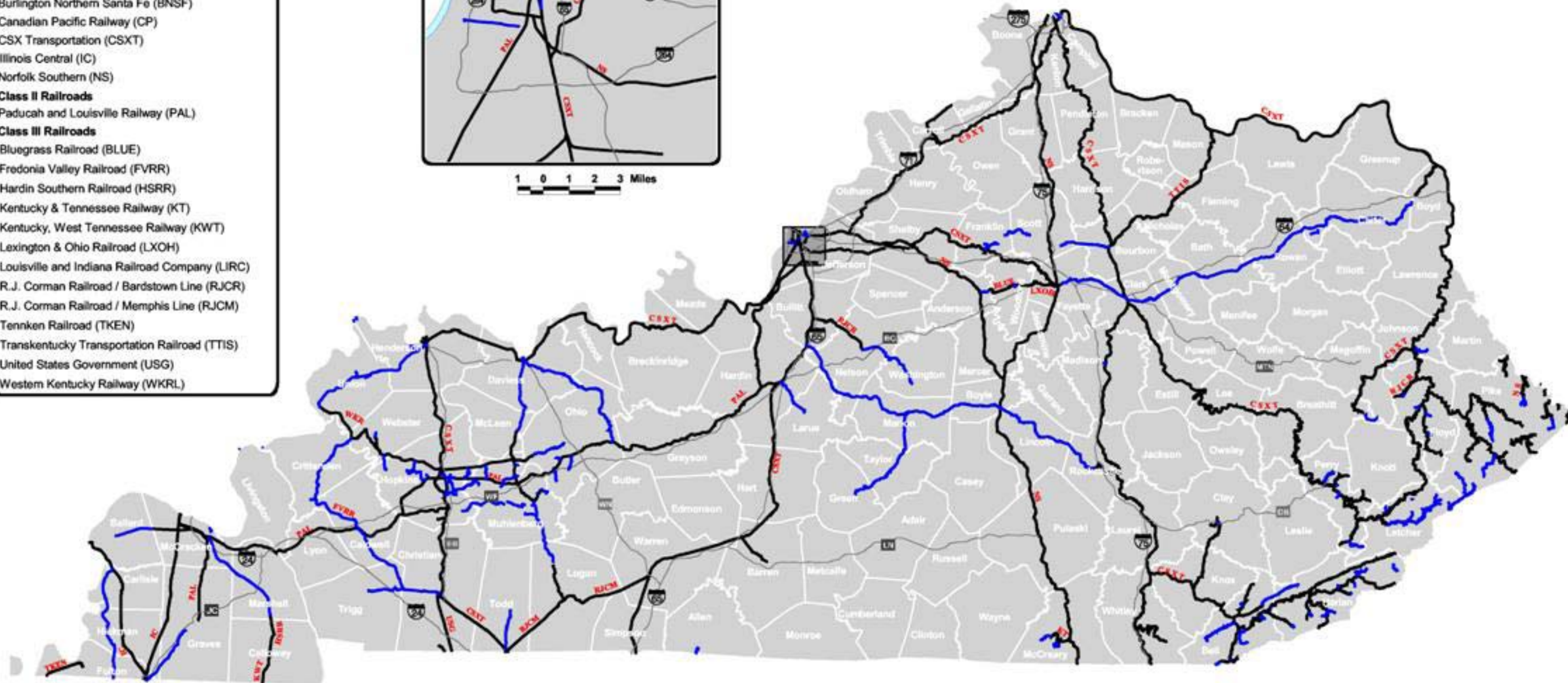


Figure 6-3

National Transportation Atlas Database  
2001 System Abandonments

2002 Kentucky Statewide Rail Plan



Source: 2001 National Transportation Atlas Database





### **C. Alternatives to Abandonment**

The Surface Transportation Board encourages finding alternatives to the abandonment of a line. The railroad may no longer see that particular line as economically viable; however, this does not mean that the line cannot continue operations under other arrangements.

Service on a line approved for abandonment may be continued if a financially responsible party makes an offer of financial assistance. Immediately following the Notice of Intent to abandon, interested parties may obtain such information as subsidy and acquisition costs and, if feasible, make an offer. The Surface Transportation Board reviews the offer for reasonableness. If the terms of the offer are acceptable, the Board must approve the offer and dismiss the abandonment application. If the terms are unacceptable, the Board issues a decision setting terms and conditions.

Once a rail line has been abandoned, the right-of-way may be kept intact and protected for future railroad use. This method of railroad corridor preservation is a process known as rail banking. Rail banking is a method of protecting lines proposed for abandonment through interim conversion to trails for nonmotorized public recreational use. The concept of rail banking was created in 1983 when Congress amended the National Trails System Act. If the line is railbanked, the corridor is considered to still be used for railroad purposes, and any right-of-way reversions that could segment the corridor are prevented.

Rail banking can be requested by a public agency or a qualified private organization. The request is sent to both the Surface Transportation Board and the railroad owning the corridor. This request is comprised of a map identifying the pertinent rail corridor; a statement of willingness to accept financial responsibility; an acknowledgment that use is dependent on the user's continuation of meeting the previous obligations; and, an indication that the trail use request has been given to the railroad currently owning the line. For a line to become a trail, the railroad must agree to the terms of the trail use request. A request for rail banking is not a contract; rather, it is an expression of interest in accepting financial responsibility for the property. If a corridor is railbanked, tracks and ties can be removed. However, bridges and trestles may not be removed. A railbanked line may, at a later time, be subject to the restoration of rail service.

Specifics on eligibility to request rail banking and regulations regarding the process are covered in Kentucky Revised Statutes 277.400 and KRS.402, which can be found in **Appendix H**.

## **VII. STATE AND FEDERAL LEGISLATION**

The following sections more closely explore state and federal legislation, as it pertains to the Rails to Trails Program and the abandonment process.

### **A. State Legislation**

Legislation covering Kentucky's rails to trails program has been codified in the Kentucky Revised Statutes. The most recent significant piece of legislation

comes from House Bill 221 of the 2000 Regular Session of the Kentucky General Assembly. This bill updates and amends sections of the Kentucky Revised Statutes to reorganize and enhance Kentucky's rails to trails process. These statutes are described below.

The purpose of the trails system is defined as the provision of outdoor recreation opportunities and promotion of public access to natural, scenic areas of the state located in or near urban areas. The legislation is presented to provide the means for obtaining these recreation opportunities and public access, which is a concern of the Department of Parks and Tourism Development Cabinet.

A list of definitions of terms to be used in all sections pertinent to the Rails to Trails System is provided. The definition of a scenic easement was determined to be "a perpetual easement in land which is held for the benefit of the people of Kentucky, is specifically enforceable by its holder or beneficiary, and limits or obligates the holder of the servient estate...the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it." This statute sets the limits for interpretation of the following statutes.

One of the more significant considerations concerns the establishment of state scenic and recreation trails, such that any areas may be designated trails by the Department of Parks, with the exception of those areas that are located within state-owned wildlife management areas or are not reasonably accessible to urban areas. Guidelines for what may or may not be considered as a trail are given.

Once a trail system has been established, any additions to the system shall go through the process outlined in the statutes. Additions to the existing trails system shall be submitted by the Commissioner of the Department of Parks to the Governor.

The process of locating the routes for proposed trails is covered as well. This process is the responsibility of the Department of Parks. The primary consideration is that the route must minimize adverse effects upon adjacent property, particularly crop land or fenced pastureland. If the trail will be located on a governmental unit or political subdivision, the Department of Parks must consult with the unit or subdivision before finalizing the location of the trail. In general, when selecting the route, the Department of Parks is encouraged to consult with any organization concerned with trail development.

The role of the Department of Parks in the determination of boundaries of abandoned railroad corridors and the evaluation of potential for the conversion to rail trails is discussed. The Commissioner of the Department of Parks is given the authority to develop measures to ensure that properties with the potential to become trails are made available for use as such. The Department of Parks will review abandonment declarations by the Surface Transportation Board for the possibility of adding these abandonments to the trails system. If there is a possibility of adding these abandonments to the trails system, the commissioner

of the Department of Parks may request that the corridor be railbanked or be imposed with a public use condition.

Once trails have been established, the administration of the trails system is of concern. As established in the Kentucky Revised Statutes, the trails system will be administered by the Department of Parks, which will have the responsibility for maintaining trails and adding public use facilities where required.

It is also the responsibility of the Department of Parks to aid in the coordination of the Kentucky Trails System with the national trails system. The Commissioner of the Department of Parks should seek to include Kentucky's trails in the national trails system, and may agree to a joint federal-state administration of a state component of the national trails system. However, the land-use agreements of such an administration must not be less restrictive than those outlined in the Kentucky Revised Statutes. One restriction outlined involves the landowner's consent, such that no access to or use of the land shall be permitted without the consent of the owner.

A number of sections of the Kentucky Revised Statutes relating to "rails to trails" are in reference to the responsibilities of the Kentucky Transportation Cabinet. The Cabinet must develop a statewide bikeways program that promotes bicycling in order to maximize the use of resources to develop bikeways. Responsibilities of the Cabinet include cooperation with local governments, development of policies and procedures, safety training programs, and the development and construction of a State Bikeway System.

The creation of a Kentucky Bicycle and Bikeway Commission within the Transportation Cabinet is outlined. Created in August 1994, this Commission represents the interests of bicyclists and assists the bikeway program.

The Transportation Cabinet is also responsible for transmitting information regarding abandonments to the Department of Parks and the Rail Trail Development Office. A record of abandoned railroad lines in Kentucky must be maintained, and this record must include a description of the line, the line operator, and whether the line has been railbanked, as well as other pertinent information.

Selected statutes fall under the chapter dealing with the organization and operating regulations of railroads. One such statute concerns the preservation of railroad corridors. Kentucky policy dictates that the foremost concern of the state is to preserve railroad corridors for future use, and any holder of a railroad corridor may seek to preserve the corridor by filing a "Preliminary Declaration of State Rail banking." This declaration states that the holder of the corridor does not wish to abandon the corridor.

Any person with a legal interest in land adjoining or traversed by a rail trail is given the right to grant a conservation easement for tax purposes. This easement may be granted for a desired duration or may last in perpetuity.

Any railroad wishing to discontinue service or proceed with an abandonment must notify the Railtrail Development Office and the Department of Parks. This

notification advises the Railtrail Development Office and the trails coordinator of the Department of Parks that the railroad is attempting to obtain federal authority to abandon the line.

### **B. Federal Legislation**

The Surface Transportation Board is responsible for the economic regulation of all interstate surface transportation, particularly railroads. As stated in Chapter 2, its mission is to “ensure that competitive, efficient, and safe transportation services are provided to meet the needs of shippers, receivers, and consumers.”

The 1983 Amendment to the National Trails System Act made allowances for the process of rail banking, which is the preservation of a corridor for future transportation use by converting it to a rail trail.

Key federal legislation includes the Intermodal Surface Transportation Efficiency Act and the Transportation Equity Act for the 21<sup>st</sup> Century, described in the section below entitled “Funding Sources.”

## **VIII. FUNDING SOURCES**

Funding for rails to trails projects can come from many sources, including federal, state, and local sources. Some of these sources are listed below. Other sources of financial support for rail trails come in the form of grants from foundations, corporations, or individuals.

### **A. ISTEA**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), was passed in 1991 and expired in 1998. ISTEA was the predecessor to TEA-21. As part of the overall \$155 billion transportation program, this Act provided over \$1 billion for multi-use trail development, which included more than \$350 million specifically for rail trails.

### **B. TEA-21**

The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) is a reauthorization of ISTEA passed in 1998. Through this \$218 billion Act, \$270 million was provided for the creation and maintenance of recreational trails, and \$3 billion was provided for Transportation Enhancements. These Enhancements cover many types of projects, such as the provision of facilities for pedestrians and bicyclists and the preservation of abandoned railway corridors, including conversion for use as bicycle or pedestrian trails.

### **C. Recreational Trails Program**

The Recreational Trails Program is a specific program created as part of TEA-21. This program is administered through the Kentucky Department for Local Government (DLG). It provides funding for acquisition, construction and maintenance for both motorized and non-motorized recreational trails, including rail trails. Funding is available to cities, counties, and non-profit organizations and is based on a 50/50 local match. Since its 1993 inception, this program has helped fund 74 projects, four of which were rail trails. About \$700,000 was

available through this program in fiscal year 2002. The Recreational Trails Program has an advisory committee that makes recommendations to the Commissioner of DLG.

**D. Land and Water Conservation Fund**

This federal fund, administered in Kentucky by the Department for Local Government, supports land acquisition and development for all types of outdoor recreation facilities, including rail trails. Approximately \$1.9 million was available through this program in fiscal year 2002.

**E. Federal Public Lands Highways Discretionary Fund**

A portion of this fund is set aside to provide support for bicycle and pedestrian trails that provide access to or are located within federal lands. For the 1998 fiscal year, for example, trail projects received approximately \$4 million.

**F. Community Development Block Grant Program**

This program, which is administered by the Department of Housing and Urban Development, directly funds cities and towns for projects that produce community-wide benefits. Rail trails are therefore eligible for these funds.

**G. Brownfields Redevelopment Initiative**

Funds for rail trails are available through this initiative, which provides funds and loan guarantees to redevelop environmentally contaminated industrial and commercial sites.

**H. Additional Funding Sources**

Other TEA-21 programs can be used for rails to trails projects. Two of these programs were described in the TEA-21 Rail Funding Section of this report starting on page 4-7. These are the Transportation and Community and System Preservation Pilot Program and the Congestion Mitigation and Air Quality Improvement Program. In addition, with the anticipated Surface Transportation Reauthorization, other federal funding programs could be developed and funds appropriated for these programs in 2004. For additional information of the Surface Transportation Reauthorization, refer to page 4-9.

In addition to Local, State, and Federal funding programs, private foundations may be a key source of funding for rail trail programs. Often seeking out projects that promote a healthy and clean environment, private foundations can provide partial or full funding for the aspects of the desired project.